

## **REMARKS/ARGUMENTS**

Reconsideration of the subject application in view of the above amendments and the following remarks is hereby respectfully requested.

### **Status of Claims**

Claims 1-16 are pending in the subject application with claim 1 being the only independent claim. Claims 1 and 3-7 have been amended to conform to U.S. practice without narrowing any of the claims or any claim element contained therein. New claims 12-16 have been added, which are supported by original claim 3-7, respectively.

### **Overview of the Office Action**

Claims 1-3 and 7-10 have been rejected under 35 U.S.C. §102(e) as being anticipated by US Patent Appl. Pub. No. 2006/0011922 to *Schmidt*.

Claims 4-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmidt* in view of US Patent Appl. Pub. No. 2003/0094893 to *Ellens*.

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmidt*.

### **Response to Examiner's Comments Concerning IDS**

Applicants acknowledge and appreciate the effort by the Examiner in considering all the references listed on the three Information Disclosure Statements (IDS) found in the records of the subject application, including a six-page IDS filed on November 26, 2007.

However, this six-page IDS was not submitted by applicants in the subject application. Although the six-page IDS bears the same application number as the subject application (i.e. 10/572,891), based on other identifying information (e.g. filing date, inventor, etc.) it appears that this IDS actually belongs to a patent application in the eleventh series (i.e., U.S. Pat. Appln. 11/572,891).

To clarify the records of the subject application, applicants request the Examiner to remove the six-page IDS and the references listed thereon from the record of the subject application so that none of these references will appear on the U.S. patent to be issued from the subject patent application.

### **Patentability of the Claimed Invention**

In the Office Action, US Patent Appl. Pub. No. 2006/0011922 to Schmidt ("*Schmidt*") was cited as the basis for the various rejections of claims 1-11. Applicants respectfully submit that *Schmidt* does not qualify as a prior art reference against the claimed invention for reasons set forth below.

The subject patent application is the U.S. national stage of International Patent Application PCT/DE04/02136 filed September 24, 2004, claiming priority to German patent application 10344376.2 filed September 24, 2003. To perfect the priority claim, applicants hereby submit a certified copy and a verified English-language translation of the above-mentioned German priority patent application. Accordingly, the subject patent application is now entitled to its German priority date of September 24, 2003.

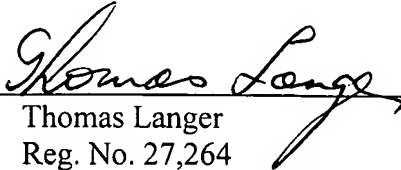
*Schmidt*, on the other hand, has an effective reference date of October 7, 2003, which is later than the above-mentioned German priority date of the subject patent application. Therefore, *Schmidt* does not qualify as a prior art reference under 35 U.S.C. § 102(e) or § 103(a). All claim rejections based on *Schmidt* are thus moot.

### **Conclusion**

The present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,  
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Enclosures